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**(1976) 01 RAJ CK 0016**  
**In the Rajasthan High Court**  
**Case No : Civil Writ Petition No. 924 of 1972**

Bhanwarlal Sharma

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

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**Date of Decision :** 21-01-1976

**Acts Referred:**

**Citation :** (1976) WLN 43

**Hon'ble Judges :** D.P. Gupta, J

**Bench :** Single Bench

**Final Decision :** Dismissed

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## Judgement

D.P. Gupta, J.—The short question which requires consideration in this rather longish writ petition is as to whether the respondents Nos. 4 to 13 were erroneously promoted on the posts of Vice Principals or Principals of Degree Colleges in the Educational Service of the State of Rajasthan in preference to the petitioner.

2. The case of the petitioner is that he is senior to the respondents Nos. 4 to 13 in the cadre of Lecturer of Degree Colleges and a; such he was entitled to be promoted as a Vice-Principal or Principal of a Degree C liege earlier than the aforesaid respondents. So far as the respondents Nos. 8 to 13 are concerned, the seniority assigned to them in the category of Lecturers of Degree and Postgraduate Classes has already been set aside by this Court in the case of Gopal Behari Mathur v. The State of Rajasthan and Ors. S.B. Civil Writ Petition No 1519 of 1970, decided on September 1, 1975 The orders passed by the State Government in favour of the respondents Nos. 8 to 13 dated September 13, 1971 have already been set aside by the decision in the aforesaid writ petition and the respondent State has been restrained from giving effect to the said orders. It is, therefore, not necessary to set aside the very same orders again in the present writ petition.

3. So far as respondent No 5 is concerned, the reply of the respondent State is

that he was appointed as an officiating Principal of a Degree College against a vacancy caused in a Girls College, in accordance with the provisions of Rule 6 of the Rajasthan Educational Service (Collegiate Branch) Rules, 1959 (hereinafter referred to as "the Rules"). It is not denied that the respondents No. 5 was junior to the petitioner, yet as a male teacher could not have been appointed as a principal of a Girls College in accordance with the aforesaid Rules, the respondent No 5 was promoted on the post of Principal in preference to the petitioner. In face of this reply given on behalf of the State Government, learned Counsel for the petitioner is unable to make any further submission so far as respondent No. 5 is concerned.

4. In respect of the remaining respondents Nos. 4, 6 & 7 Mr. Mathur, learned Additional Government Advocate urges that they were promoted in preference to the petitioner because the petitioner possessed only a third class master's degree & was not entitled to be promoted to the post of a Vice Principal or Principal of a Degree College under the Rules. It is not contested by the learned counsel for the petitioner that the minimum qualification prescribed for promotion to the post of Principal or Vice-Principal of a Degree College is that the person concerned should hold a Second Class Master's Degree. It is also not in dispute that the petitioner was holding a Third Class Master's degree, while the respondents Nos. 6 and were duly qualified for being promoted to the posts of Principals or Vice-Principals of a Degree College and the University of Rajasthan had granted an exemption in respect on respondent No. 4 Shri R.C. Snarma. In view of these facts, the petitioner cannot complain of the promotion of the respondents Nos. 4 to 7 to the posts of Vice-Principal or Principals of Degree College in preference to him.

5. The contention of the learned Counsel for the petitioner would have been shown senior to the aforesaid respondents Nos. 4, 6 and 7 in the seniority list, then the State Government would have sought an exemption from the University of Rajasthan for him as well, as was sought and granted in the case of Shri R.C. Sharma, respondent No. 4. However, it is not denied that the petitioner did not possess the minimum qualification prescribed for promotion to the post of Vice Principal or Principal for a Degree College. The matter of grant of exemption rested with the University of Rajasthan and the petitioner could not claim the grant of an exemption as a matter of right. It is abundantly clear that the petitioner was not eligible for promotion to the post of Vice Principal or Principal of a Degree College, as he did not possess even a Second Class Master's degree and, therefore, the petitioner has no case for claiming preference over the respondents Nos. 4 to 7 in the mailer of promotion to the post of Principal or Vice-Principal.

6. No other point was argued before me.

7. There is thus no force in this writ petition and the same is dismissed. In the circumstances of the case, the parties are left to bear their own costs.